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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 RALPH HOWARD BLAKELY, ) CASE NO. C07-1803-RAJ-MAT  
09 Plaintiff, )  
10 v. ) ORDER RE: PENDING MOTIONS  
11 HERB SNIVELY, et al., )  
12 Defendants. )  
13 \_\_\_\_\_ )

14 Plaintiff Ralph Howard Blakely proceeds *pro se* and *in forma pauperis* in this 42 U.S.C.  
15 § 1983 civil rights case. Plaintiff filed a third motion to compel production of documents/  
16 sanctions (Dkt. 59), a motion to compel transport to medical treatment (Dkt. 60), and a motion  
17 to stay proceedings (Dkt. 68). Defendants oppose plaintiff's motions. (Dkts. 62, 63 & 69.)  
18 Having considered all documents filed in support and in opposition to the pending motions, as well  
19 as the remainder of the record, the Court does hereby find and ORDER:

20 (1) Plaintiff seeks an order compelling the production of documents and ordering  
21 sanctions. (Dkt. 59.) He contends that defendants have refused to respond to any interrogatories  
22 under the discovery process, seeks an order requiring defendants' response to those

01 interrogatories, and requests monetary sanctions. Defendants construe plaintiff's motion as  
02 seeking an order compelling them to respond to plaintiff's first and second set of interrogatories  
03 and his first and second requests for production of documents. The Court previously deemed  
04 plaintiff's requests for production of documents premature (Dkts. 29 & 58) and denied a motion  
05 to compel the cooperation of defense counsel in responding to plaintiff's first set of interrogatories  
06 upon finding defendants' responses to the interrogatories to consist of timely and appropriate  
07 objections. (Dkt. 58.) The Court's ruling as to plaintiff's first set of interrogatories stands.  
08 Likewise, a review of defendants' responses to plaintiff's second set of interrogatories and to his  
09 requests for production of documents reveals both defendants' reasonable compliance with the  
10 discovery requests and their assertion of appropriate objections. (Dkt. 62, Exs. D, F, G & I.) For  
11 these reasons, plaintiff's third motion to compel production of documents/sanctions (Dkt. 59) is  
12 DENIED.

13       (2) Plaintiff seeks to compel his transport to "prepaid acceptable lumbar disc  
14 decompression medical treatment" by a Dr. Justin McCormick. (Dkt. 60.) However, as noted by  
15 defendants, this Court has already considered and rejected this request in plaintiff's motion for a  
16 preliminary injunction. (Dkts. 40 & 57.) As such, plaintiff's duplicative motion to compel  
17 transport to medical treatment (Dkt. 60) is DENIED.

18       (3) Plaintiff seeks to stay proceedings in this matter due to the fact that, on June 30,  
19 2008, he "sustained a head injury with the possibility of brain damage." (Dkt. 68.) Plaintiff  
20 supports this motion with a declaration signed by two fellow inmates attesting to his injury. (*Id.*)  
21 He indicates that, because of this injury, "he was not able to include all necessary Department of  
22 Corrections Exhibits and supported list of experts[.]" was "not competent to clearly explain" that

01 the undersigned “neglected to forward” to District Judge Richard A. Jones his objections and a  
02 reply relating to his request to compel medical treatment, and due to “un-fair tactics of deadline  
03 motions to strike [his] supporting declarations, and a great disadvantage to [him] of ‘Electronic  
04 Filing’ as a miscarriage of justice.” (*Id.*) However, the Court finds no basis for granting a stay.  
05 Despite any injury sustained by plaintiff in June 2008, he was able to subsequently file a substantial  
06 response to defendants’ pending motion for summary judgment, with multiple declarations and  
07 attachments, as well as the two motions discussed above. (Dkts. 59-61.) All of plaintiff’s  
08 submissions in this case have been available for review by Judge Jones and plaintiff fails to support  
09 his bare assertions as to either unfair tactics on the part of defendants or any disadvantage to him  
10 in these proceedings. For these reasons, plaintiff’s motion to stay proceedings (Dkt. 68) is  
11 DENIED.

12 (4) The Clerk is directed to send copies of this Order to plaintiff, to defendants, and  
13 to the Honorable Richard A. Jones.

14 DATED this 22nd day of August, 2008.

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16 Mary Alice Theiler  
17 United States Magistrate Judge  
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